

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**TORION SELLERS and RENEE
BELL, Individually, and on behalf
Of all Others Similarly Situated,**

Plaintiffs,

v.

**SAGE GROUP PLC; SAGE
SOFTWARE, INC.; and SAGE
PAYMENT SOLUTIONS, INC.
d/b/a SAGE NORTH AMERICA**

Defendants.

**CIVIL ACTION NO.
1:17-cv-03614-ELR**

**DEFENDANT THE SAGE GROUP PLC'S MOTION TO DISMISS
PLAINTIFFS' AMENDED COLLECTIVE ACTION COMPLAINT FOR
VIOLATIONS OF THE FLSA**

Defendant The Sage Group plc (“Sage Group”) (improperly named in this matter as Sage Group PLC), by and through counsel, hereby moves this Court to dismiss Plaintiffs Torion Sellers, Renee Bell, and Keith Russell’s (collectively “Plaintiffs”) Amended Collective Action Complaint for Violations of the FLSA (“Complaint”) with prejudice under Federal Rule of Civil Procedure 12(b)(2) on the grounds that this Court lacks personal jurisdiction over Sage Group. In addition, Sage Group moves to dismiss the Complaint under Federal Rule of Civil Procedure 12(b)(5) for insufficient service of process because the Complaint was

not properly served under Rule 4(f). Sage Group also moves to dismiss the Complaint under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted because Plaintiffs have failed to allege facts sufficient to state that Sage Group is their employer. Finally, Sage Group moves to dismiss the Complaint under Federal Rule of Civil Procedure 12(b)(1) because Plaintiffs do not have standing to sue Sage Group.

Sage Group's Motion is supported by the accompanying Memorandum of Law and the Declaration of Victoria Bradin, both of which are incorporated by reference herein.

WHEREFORE, Sage Group respectfully requests that the Court enter an order granting its Motion to Dismiss with prejudice, and entering such other relief as the Court deems just and proper.

Respectfully submitted this 1st day of December, 2017.

/s/ Anne M. Mellen

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CERTIFICATION

I do hereby certify that this document has been prepared in Times Roman font, 14 point, in compliance with LR 5.1(C) of this Court.

/s/ Anne M. Mellen

Anne M. Mellen

Georgia Bar No. 558694

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CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2017, the foregoing **DEFENDANT THE SAGE GROUP PLC'S MOTION TO DISMISS PLAINTIFFS' AMENDED COLLECTIVE ACTION COMPLAINT FOR VIOLATIONS OF THE FLSA** was filed electronically through the ECF system, is available for viewing and downloading from the ECF system and will be sent electronically to the registered participants identified on the Notice of Electronic Filings, including Plaintiffs' counsel of record as follows:

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